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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2011-503

11 **CAROL MARGARET KENNAN**  
12 **1759 Rambouillet Road**  
13 **Paso Robles, CA 93446**

**A C C U S A T I O N**

14 **Registered Nurse License Number 289414**

15  
16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

- 20 1. Louise R. Bailey, M.Ed., R.N. (Complainant) brings this Accusation solely in her  
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing.  
22 2. On or about March 31, 1978, the Board of Registered Nursing issued Registered  
23 Nurse License Number 289414 to Carol Margaret Kennan, aka Carol Margaret Single, aka Carol  
24 Margaret Perino, aka Carol Margaret Oliver (Respondent). The Registered Nurse License was in  
25 full force and effect at all times relevant to the charges brought herein and will expire on  
26 November 30, 2011, unless renewed.

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1 "In addition to other acts constituting unprofessional conduct within the meaning of this  
2 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
3 chapter to do any of the following:

4 (b) Use any controlled substance as defined in Division 10 (commencing with Section  
5 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
6 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
7 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
8 ability to conduct with safety to the public the practice authorized by his or her license.

9 (c) Be convicted of a criminal offense involving the prescription, consumption, or  
10 self-administration of any of the substances described in subdivisions (a) and (b) of this section  
11 ... in which event the record of the conviction is conclusive evidence thereof.

#### 12 13 FIRST CAUSE FOR DISCIPLINE

##### 14 (Conviction of Substantially Related Crime)

15 9. Respondent is subject to disciplinary action under sections 490 in that Respondent has  
16 been convicted of crimes substantially related to the qualifications, functions or duties of a  
17 registered nurse, as follows:

18 a. On or about August 22, 2006, Respondent was convicted after pleading nolo  
19 contendere, to one misdemeanor count of Veh. Code section 23152, subdivision (b) [driving  
20 while having .08% blood alcohol content or higher] and admitting to a misdemeanor violation of  
21 Veh. Code section 23578 [a concentration of alcohol in the person's blood of 0.15% or more, by  
22 weight] in a criminal proceeding entitled *The People of the State of California v. Carol Margaret*  
23 *Kennan* (San Luis Obispo County Super. Ct., 2006, No. M389376). The Respondent was  
24 sentenced to 3 years of probation and 4 days of jail. The Respondent was also ordered to  
25 complete a 9-month DUI First Offender's program and pay \$1609.00 in fines and fees.

26 b. The underlying factual circumstances occurred on or around May 29, 2006 at  
27 approximately 11:17 p.m. when an officer from the Paso Robles Police Department was  
28 dispatched concerning a possible DUI driver driving a grey-colored Pontiac Grand Am in the

1 proximate area. Shortly thereafter, the officer noticed a vehicle matching the description drive  
2 past. The officer made a U-turn and followed the vehicle. Upon initiating a traffic stop, the officer  
3 observed the driver swerve side to side within its lane. The driver identified herself as Carol  
4 Margaret Kennan, Respondent.

5 c. Upon making contact with the Respondent, the officer "smelled a distinct odor of an  
6 alcoholic beverage on her breath and person." When asked how much alcohol she consumed,  
7 Respondent admitted, "2-3 margaritas." Shortly thereafter, the officer administered the standard  
8 Field Coordination Test, which the Respondent was unable to perform as it was explained to her  
9 and as demonstrated by the officer. The Respondent demonstrated an impairment of her balance,  
10 coordination and thought process. Based upon her objective symptoms of intoxication, she was  
11 placed under arrest.

12 d. At or around 12:25 a.m., the Respondent was taken to a community hospital where she  
13 provided a blood sample for testing. The blood sample indicated a blood alcohol concentration of  
14 .22% and was placed in evidence pursuant to the arrest.

## 15 16 SECOND CAUSE FOR DISCIPLINE

### 17 (Unprofessional Conduct)

18 10. Respondent is subject to disciplinary action under section 2761, subdivisions (a) in  
19 that on or around August 22, 2006, Respondent conducted herself in an unprofessional manner  
20 relating to the use and consumption of dangerous drugs, namely alcohol. Complainant refers to  
21 the allegations in paragraph 9 and all subparagraphs in their entirety as if fully set forth herein.

## 22 23 THIRD CAUSE FOR DISCIPLINE

### 24 (Alcohol Abuse)

25 11. Respondent is subject to disciplinary action under section 2762, subdivisions (b) and  
26 (c) as a result of Respondent's dangerous use of alcohol. Complainant refers to the allegations in  
27 paragraph 9 and all subparagraphs in their entirety as if fully set forth herein.

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PRAYER

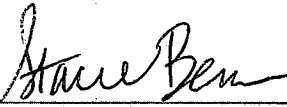
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, Board issue a decision:

1. Revoking or suspending Registered Nurse License Number 289414, issued to Carol Margaret Kennan, aka Carol Margaret Single, aka Carol Margaret Perino, aka Carol Margaret Oliver.

2. Ordering Carol Margaret Kennan to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 12/16/10

*for* 

LOUISE R. BAILEY, M.ED., R.N.  
Interim Executive Officer  
Board of Registered Nursing  
State of California  
Complainant

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